

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEWARD JOHNSON and ARTHUR BRIGHT

Plaintiffs,

vs.

C S JOHNSON #16589, C M BADY #11453,
and CITY OF CHICAGO,

Defendants.

No. 07 C 7036

JUDGE GUZMAN

MAGISTRATE JUDGE SOAT BROWN

PLAINTIFFS' MOTION FOR LIMITED DISCOVERY

NOW COMES Plaintiffs, by and through Horwitz, Richardson, and Baker LLC, and in support of their motion state as follows:

The instant action is a police misconduct case arising from a June 21, 2007 incident in which Plaintiffs allege, *inter alia*, false arrest, malicious prosecution, and a *Monell* claim. This Court has stayed all discovery in this action pending its ruling on Defendants' Motion to Dismiss and Motion to Bifurcate. Plaintiffs now move this Court to allow limited discovery for the purpose of identifying any other responsible police officers or other personnel before expiration of any applicable statutes of limitations.

Pursuant to 745 ILCS 10/8-101, Plaintiffs must bring any state false arrest claims within one year or be time barred from doing so. Plaintiffs believe that police officers and/or municipal employees, other than those named, maybe involved in their false arrests. However, Plaintiffs are unable to ascertain the identities of these parties due to the stay of discovery in this action. Additionally, Plaintiffs' counsel wishes to avoid malpractice on his behalf by naming all responsible parties to Plaintiffs' claim before the expiration of the statute of limitations.

If Plaintiffs are granted leave to engage in limited discovery relative to determining the identities of parties involved in their false arrest and subsequent detention, they will be able to name them in an Amended Complaint and preserve their state claims. If this Court does not allow limited discovery and as a result Plaintiffs fail to name a culpable party before the expiration of the statute of limitations, Plaintiffs will be severely prejudiced. Defendants will not be prejudiced by allowing this discovery as it is will be limited in scope and not burdensome.

WHEREFORE, Plaintiff prays that this Honorable Court grant Plaintiffs' Motion for Limited Discovery, and order any other relief this Court deems fair and just.

Respectfully Submitted,

s/Abbas Merchant
Horwitz, Richardson & Baker LLC.
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